

Appl. No.: 09/936,820
Docket No.: 66418-066-7
Amdt. Dated Aug. 17, 04
Reply to Office action of Apr. 23, 04

REMARKS

By this Amendment claim 38 has been replaced by new claim 55 which more concisely defines the invention and states that the cylindrical collar of the outer lid member includes "inwardly-extending threads" (as opposed to "means for securing the lid"), and claims 39-54 have been amended to reflect the wording in claim 55. Since it is believed that new claim 55 is clearly allowable, entry is requested.

In the outstanding final Office Action the examiner has rejected claims 49-53 under 35 U.S.C. § 112 as being indefinite because claim 49 is dependent upon a canceled claim.

Obviously claim 49 was intended to be dependent on claim 38. The examiner clearly should have made this assumption and evaluated these claims on their merits.

The examiner has rejected 35 U.S.C. 102(b) as being anticipated by Collins, has rejected claims 38-48 under 35 U.S.C. 103(a) as being unpatentable over Borges et al. in view of Collins, and he has rejected claims 38-48 and 54 under 35 U.S.C. 103(a) as being unpatentable over Borges et al. in view of Han.

These rejections cannot be applied to new claim 55.

Collins discloses a plastic snap cap 30 which includes a top wall 32 and a cylindrical collar 34, the cylindrical collar including an annular inwardly-projecting lip 36 for snap fitting onto the neck of a container and one or more ribs 40 for retaining a metal foil membrane 20 inside the cap adjacent its top wall. The cylindrical collar does not include inwardly-

Appln. No.: 09/936,820
Docket No.: 66418-066-7
Amdt. Dated Aug. 17, 04
Reply to Office action of Apr. 23, 04

extending threads for threaded engagement with external threads on the neck of the container, nor does it include a single inwardly-extending projection which will pointwise separate the membrane 20 from the neck of the container as the cap is rotated.

Borges et al. disclose a laminated lidding material.

Han disclose a cap 16 for a bottle 110 which includes a liner 24, the cap including inwardly-extending threads 54. However, it does not disclose a single inwardly-extending protrusion for lifting the liner 24 so as to be pointwise separated from the neck 12 of the bottle.

No combination of Collins, Borges et al. and Hans would suggest the claimed invention. And it would not be obvious to include threads inside the cap of Collins as the cap invention of Collins is specifically directed to a snap cap, not a twist cap.

A prompt allowance of this application is requested.

Respectfully submitted,

DYKEMA GOSSETT PLLC

By: 

Richard H. Tushin
Registration No. 27,297
Franklin Square, Third Floor West
1300 I Street, N.W.
Washington, DC 20005-3353
(202) 906-8600

DC01\82947.1
ID\RHT